IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

OP.No. 27563 of 2002(F)

PETITIONER:

K.V.ANTHONY, S/O.VAREETH,
RETIRED ASSISTANT ENGINEER, RESIDING AT 1/932 A,
THARALAYI THAZHAM NILAM PARAMBA,
P.O.WEST HILL, KOZHIKODE.

BY ADV. SRI.V.V.SURENDRAN
SRI.P.M.PADMANABHAN
SRI.P.A.HARISH

RESPONDENTS:
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1. THE CHIEF ENGINEER (HRM),
KERALA STATE ELECTRICITY BOARD,
THIRUVANANTHAPURAM.

2. THE DEPUTY CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ELECTRICAL CIRCLE, KALPETTA,
WYNADU.

3. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL MAJOR SECTION, VYTHIRI,
WYNADU.

BY ADV. SRI.KODOTH SREEDHARAN, SC, KSEB
SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 18/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP.No. 27563 of 2002

ORDER IN I.A.18651/2005 & IN I.A.1677/2004 IN O.P.27563/2002

DISMISSED

18.12.2007 **SD/- THOTTATHIL B. RADHAKRISHNAN, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF THE NOTICE OF THE SECOND RESPONDENT DATED 6.6.2007.

EXT.P2- TRUE COPY OF THE REPLY DATED 5.10.2001 OF THE PETITIONER

EXT.P3- TRUE COPY OF THE ORDER OF THE SECOND RESPONDENT DATED 29.2.01

EXT.P4- TRUE COPY OF THE LIST OF MATERIALS DATED NIL

EXT.P5- TRUE COPY OF THE LETTER OF THE PETITIONER DATED 21.2.2002

EXT.P6- TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN O.P.8762/02 DATED 2.4.2002

EXT.P7- TRUE COPY OF THE REPRESENTATION OF THE PETITIONER DATED 19.4.2002

EXT.P8- TRUE COPY OF THE LETTER OF THE SECOND RESPONDENT DATED 19.4.02

EXT.P9- TRUE COPY OF THE LETTER OF THE PETITIONER DATED 16.5.02

EXT.P10- TRUE COPY OF THE LETTER OF THE SECOND RESPONDENT DATED 15.7.02

EXT.P11- TRUE COPY OF THE ORDER OF THE SECOND RESPONDENT DATED 21.1.04

EXT.P12- TRUE COPY OF THE LETTER SENT BY THE PETITIONER TO THE SECOND RESPONDENT DATED 7.8.03.

(TRUE COPY)

P.A TO JUDGE

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.27563 OF 2002

Dated this the 18th day of December, 2007

JUDGMENT

The petitioner retired as Assistant Engineer from the service of the Kerala State Electricity Board. Certain liabilities were fixed on him on the basis of Material At Site Account (MASA). On his objections being directed to be considered, Ext.P11 has been issued, slashing the liability from Rs.1,57,748/- to Rs.40,708/-. However, in the third paragraph of Ext.P11, it is stated that 'the explanation which was found genuine and satisfactory accepted'. It was not stated as to which is the explanation of the petitioner that was found to be unsatisfactory and could not be accepted. Going by Ext.P12, which is stated to be an explanation given on 7.8.2003, I do not deem it appropriate for this Court to adjudicate on that issue, which is purely a technical matter, including as to whether the petitioner is entitled to any allowance in the matter of accounting material at site.

For the aforesaid reasons, this writ petition is disposed of directing that if the petitioner submits a representation in the form of an appeal against Ext.P11 before the Board, that shall be considered with regard to the relevant materials and by extending an opportunity of hearing to the petitioner through a competent nominee of the Board. A final decision shall be taken in this regard within a period of two months from the date of receipt of a copy of this judgment.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.